

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JULIE SU, ACTING SECRETARY OF LABOR, :	
UNITED STATES DEPARTMENT OF	:
LABOR,	:
	:
Plaintiff,	:
	:
v.	:
	:
	Civil Action No. 1:23-cv-00627
	:
	(Judge Conner)
	:
	(Magistrate Judge Bloom)
	:
JONESTOWN RD CHICKEN, ET AL.,	:
	:
Defendants.	:

CONSENT JUDGMENT AND ORDER

Plaintiff Julie A. Su, Acting Secretary of Labor (“Plaintiff” or “the Acting Secretary”), United States Department of Labor (“DOL” or the “Department”), filed a Complaint in this case under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (the “FLSA” or the “Act”) against Defendants Jonestown Rd Chicken, LLC and Tom Rudzenski (collectively the “Defendants”). Defendants, who have appeared by counsel and answered, agree to the entry of this Judgment without contest in full settlement of the claims which have been asserted in the Acting Secretary’s Complaint. It is therefore, upon motion of the attorneys for Plaintiff and for cause shown:

ORDERED, ADJUDGED, and DECREED that Defendants, their officers, employees, agents, successors, employees and all persons in active concert or participation with Defendants, are permanently enjoined and restrained from violating the provisions of sections 11(a) and 15(a)(3) of the FLSA, 29 U.S.C. §§ 211(a) and 215(a)(3), including violating those provisions in any of the following manners:

- a. Demanding employees return the money owed to them that Defendants agreed to pay to their employees pursuant to this Consent Judgment through their damages payment set forth in the below Paragraph 1;
- b. Harming or threatening to harm, terminating or threatening to terminate employment, blacklisting or threatening future employment, withholding wages or threatening to withhold wages, reducing hours or threatening to reduce hours, intimidating, coercing, threatening, or retaliating or discriminating against their employees in any other way, to prevent or otherwise dissuade an employee from speaking with the Department of Labor, or accepting the damages payment set forth in the below Paragraph 1 of this Consent Judgment referred to in this Consent Judgment, or engaging in any other protected activity under the Act;
- c. Harming or threatening to harm, terminating or threatening to

terminate employment, blacklisting or threatening future employment, contacting immigration authorities or other law enforcement or threatening to contact law enforcement, withholding wages or threatening to withhold wages, reducing hours or threatening to reduce hours, intimidating, coercing, threatening, or retaliating or discriminating against their employees in any other way, based on Defendants' belief that such employee has spoken with the Department of Labor or engaged in any other protected activity under the Act;

d. Inflicting physical harm or verbal abuse on any employee, former employee their family, or Wage and Hour Division investigators because the employee or former employee engaged in or is about to engage in protected activity under the FLSA;

e. Reporting or threatening to report any employee or former employee to immigration authorities because the employee or former employee engaged in or is about to engage in protected activity under the FLSA;

f. Obstructing or interfering with the Acting Secretary's supervision of the distribution of damages payments pursuant to Paragraph 1, below, in this Consent Judgment;

g. Telling any employees not to cooperate with the Acting Secretary's

representatives; instructing any workers to provide incomplete or false information to the Acting Secretary's representatives; or questioning employees about their cooperation or communications with the Acting Secretary's representatives; and

h. Obstructing or interfering with the Acting Secretary's investigation conducted by the Wage and Hour Division.

It is further ORDERED, ADJUDGED and DECREED by the Court that:

1. The Court, upon the agreement of Defendants' to pay a sum representing damages to employees in the amount of \$20,000.00 for Defendants' alleged violations of Section 15(a)(3) of the FLSA, 29 U.S.C. § 215(a)(3), orders that Defendants shall pay to the Acting Secretary said damages, plus any applicable interest, according to the terms set forth herein. Upon receipt from Defendants, the Acting Secretary shall then distribute to certain affected current and former employees the damages amount totaling \$20,000.00.

2. The damages provisions of this Consent Judgment shall be deemed satisfied when Defendants deliver to the Acting Secretary the total amount of \$20,000.00 in damages.

3. This section of the Consent Judgment shall be deemed satisfied when Defendants deliver to the Acting Secretary the gross amount of \$20,000.00.

4. Payment shall be made by Defendants within fourteen (14) days from

the date of execution of this Consent Judgment.

5. Defendants may make the above damages payment required by this Consent Judgment online by ACH transfer, credit card, or debit card by going to <https://www.pay.gov/public/form/start/77734139> or www.pay.gov. Alternatively, payment may be made by certified check, bank check, or money order, payable to “Wage and Hour Division, U.S. Department of Labor,” and mailed to the Northeast Regional Office, Wage and Hour Division, Wage & Hour Division, Northeast Regional Office, 1835 Market Street, Mailstop WHD/19, Philadelphia, PA 19103-2968. The check or money order shall bear the following reference: Case ID # 1976615.

6. Defendants shall not, in any way, solicit, demand, accept, or keep any amount paid or payable to any employee or former employee under this Consent Judgment, or in any manner attempt to recover or otherwise influence any employee or former employee to forfeit any amounts paid to such employee or former employee in connection with this Consent Judgment. In the event any such amount is received from any employee or former employee, Defendants shall immediately remit such amount to the United States Department of Labor at the following address: United States Department of Labor, Wage and Hour Division, 1835 Market Street, Mailstop WHD/19, Philadelphia, Pennsylvania 19103-2968, Attn: Madelyn Flores.

7. Defendants shall not fail to cooperate with the United States Department of Labor in any investigation conducted pursuant to Section 11(a) of the FLSA, 29 U.S.C. § 211(a). Defendants' members and managers shall provide truthful responses and other information and documents to the United States Department of Labor. Nothing contained in this Consent Judgment, including the requirement to cooperate as set forth in this Paragraph, abrogates Defendants' rights under the United States Constitution.

8. Nothing in this Consent Judgment precludes the Acting Secretary from bringing any enforcement action against Defendants for any violation of the FLSA not specifically set forth in the Acting Secretary's Complaint in this case, including but not limited to any violation of Sections 6, 7, 11(c), or 12 of the FLSA, 29 U.S.C. §§ 206, 207, 211(c), and 212. Further, nothing in this Consent Judgment precludes the Acting Secretary from bringing any enforcement action against Defendants for any other violations, including any violations of Sections 11(a) and 15(a)(3) of the FLSA, 29 U.S.C. §§ 211(a) and 215(a)(3), occurring after the filing of the Complaint in this case. This Consent Judgment resolves all of the claims contained in the Complaint in the present matter, and any other related claims under Section 15(a)(3) of the FLSA raised by the Acting Secretary during this specific litigation action.

9. Defendants have denied and continue to deny that they have engaged

in the unlawful conduct asserted in the Acting Secretary's Complaint, as well as any other unlawful conduct, and do not concede the validity of such claims by virtue of this Consent Judgment or payment of the alleged damages.

10. Each party shall bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

11. The Court retains jurisdiction over this matter for the purposes of enforcing this Consent Judgment.

SO ORDERED, this 13th day of May, 2024.

/s/ Christopher C. Conner
Christopher C. Conner
United States District Judge

Defendants have appeared by
counsel and hereby consent to the
entry of this Judgment.

For Defendants Jonestown Rd.
Chicken, LLC and Tom Rudzenski

Tom Rudzenski, individually, and as
the District Manager of
the Popeyes location owned by
Jonestown Rd. Chicken, LLC



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Attorneys for Plaintiff

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